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8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 [MODESTO DIVISION]

11 In re:

12 Case No. 19-90003-E-7

13 **NATHAN BENJAMIN DAMIGO,**

14 **STATUS REPORT**

15 Debtor.

16 Chapter Number: 7

17 **ELIZABETH SINES, SETH**
WISPELWEY, MARISSA BLAIR,
TYLER MAGILL, APRIL MUNIZ,
HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO,
JOHN DOE, AND CHELSEA
ALVARADO,

18 Plaintiffs,

19 v.

20 **NATHAN BENJAMIN DAMIGO,**

21 Defendant.

22 Adv. Pro. No. 19-09006-E

23 **STATUS CONFERENCE**

Date: June 30, 2022
Time: 2:00 p.m.
Dept.: E

STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “***Plaintiffs***”) respectfully submit this Status Report pursuant to the Court’s January 12, 2022 Order Continuing Status Conference (the “***Continuance Order***”) (Dkt. No. 36), which set a status conference for June 30, 2022, and required the parties to file a joint or separate updated status report on or before June 15, 2022.

Pursuant to the Complaint (the “***Complaint***”) filed commencing this adversary proceeding (the “***Adversary Proceeding***”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “***Defendant-Debtor***”) in the United States District Court for the Western District of Virginia (the “***Virginia District Court***”), Case No. 3:17-cv-00072-NKM (the “***Charlottesville Action***”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “***Stay Order***”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of approximately \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, post-trial motions have been filed but have not yet been fully briefed or considered by the Virginia District Court. Accordingly, no judgment has yet been entered in the Charlottesville Action. Given the foregoing, the Plaintiffs respectfully request that the Court continue the Status Conference until early October 2022, by which time the parties should have more information on the status and/or outcome of the Charlottesville Action, including post-trial motions and any appeals.

[Remainder of page intentionally left blank]

1 Dated: June 6, 2022

Respectfully submitted,
COOLEY LLP

4 By: /s/ Robert L. Eisenbach III
5 Robert L. Eisenbach III

6 Attorneys for Plaintiffs

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1 **PROOF OF SERVICE**
2 **(FRCP 5)**

3 I am over the age of eighteen years, and not a party to the action. My business address is
4 Cooley LLP, 3 Embarcadero Center, 20th Floor, San Francisco, California 94111. On the date set
5 forth below I served the documents described below on the following parties in this action in the
6 manner described below at the direction of a member of the bar of this Court:

7 • **STATUS REPORT**

8 (BY U.S. MAIL) I am personally and readily familiar with the business practice of
9 Cooley LLP for collection and processing of correspondence for mailing with the
10 United States Postal Service, and I caused such envelope(s) with postage thereon
11 fully prepaid to be placed in the United States Postal Service at San Francisco,
12 California.

13 **Nathan Benjamin Damigo**
14 14773 Orange Blossom Rd
15 Oakdale, CA 95361
16 (*Debtor*)
17 PRO SE

18 (BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to
19 be served by means of this Court's electronic transmission of the Notice of
20 Electronic Filing through the Court's transmission facilities, to the parties and/or
21 counsel who are registered CM/ECF Users set forth in the service list obtained
22 from this Court.

23 **Gary Farrar**
24 gary@farrartrustee.com
25 gfarrar@ecf.epiqsystems.com
26 P.O. Box 576097
27 Modesto, CA 95357
28 (*Trustee*)

29 **Office of the U.S. Trustee**
30 ustprregion17.sc.ecf@usdoj.gov
31 Robert T Matsui United States Courthouse
32 501 I Street, Room 7-500
33 Sacramento, CA 95814
34 (*U.S. Trustee*)

35 Executed on June 6, 2022.

36 

37 Mollie Canby